

**BEFORE THE APPEALS BOARD
FOR THE
KANSAS DIVISION OF WORKERS COMPENSATION**

HOA NGUYEN

Claimant

VS.

NATIONAL BEEF PACKING COMPANY, L.C.

Respondent

AND

WAUSAU UNDERWRITERS

INSURANCE COMPANY

Insurance Carrier

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Docket No. 216,529

ORDER

Claimant appeals from the December 12, 1996 preliminary hearing Order Denying Compensation, entered by Special Administrative Law Judge William F. Morrissey.

ISSUES

Claimant alleges the Special Administrative Law Judge exceeded his jurisdiction in denying temporary total disability benefits.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Although claimant has described the issue it raises on appeal as an allegation the Special Administrative Law Judge exceeded his jurisdiction, it appears from a review of the record that the issue, in substance, is whether the claimant was temporarily and totally disabled for the period in question. Claimant argues that the Special Administrative Law Judge erred in not finding the claimant to be temporarily, totally disabled. The argument is not one that addresses a jurisdictional issue listed in K.S.A. 1996 Supp. 44-534a(a)(2). It is also not one which otherwise alleges that the Special Administrative Law Judge

exceeded his jurisdiction. Accordingly, the Appeals Board does not have jurisdiction to review the issue on appeal from a preliminary hearing Order. K.S.A. 1996 Supp. 44-551(b)(2)(A).

AWARD

WHEREFORE, the Appeals Board finds that the appeal shall be dismissed and the Order Denying Compensation of Special Administrative Law Judge William F. Morrissey dated December 12, 1996 remains in effect as originally entered.

IT IS SO ORDERED.

Dated this ____ day of February, 1997.

BOARD MEMBER

c: Joseph Seiwert, Wichita, KS
D. Shane Bangerter, Dodge City, KS
Kenneth S. Johnson, Administrative Law Judge, Garden City, KS
Philip S. Harness, Director